

# Order

Michigan Supreme Court  
Lansing, Michigan

December 23, 2015

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2014-28

Stephen J. Markman

Brian K. Zahra

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein

Joan L. Larsen,

Justices

Proposed Amendment of  
Rule 2.403 of the  
Michigan Court Rules

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 2.403 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules page](#).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text  
is shown by strikeover.]

Rule 2.403 Case Evaluation

(A)-(F) [Unchanged.]

(G) Scheduling Case Evaluation Hearing.

- (1) The ADR clerk shall set a time and place for the hearing and send notice to the case evaluators and the attorneys at least 42 days before the date set. The notice shall also contain the names of the case evaluators. If, for any reason, the ADR clerk appoints a replacement case evaluator after the date the notice is sent, then the ADR clerk shall send an amended notice to the case evaluators and the attorneys, including the name of the replacement evaluator, within a reasonable time but in any event at least two business days before the hearing, to allow the ADR clerk to reschedule or otherwise revise the scheduled case evaluation hearing to address any issue related to

disqualification. If, prior to the hearing, the ADR clerk determines that the amended notice was not sent at least two business days before the hearing, the ADR clerk shall adjourn the hearing unless the parties stipulate to proceed with the scheduled case evaluation.

(2) [Unchanged.]

(H)-(O)[Unchanged.]

*Staff Comment:* The proposed amendments of MCR 2.403 would require the ADR clerk to notify counsel of the scheduled case evaluation panelists when sending the initial notice of case evaluation. Further, the proposal would require the ADR clerk to send notice of replacement evaluators no later than two business days before the hearing. If notice is not sent in that time, the hearing would be adjourned or the parties could stipulate to proceed.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Office of Administrative Counsel in writing or electronically by April 1, 2016, at P.O. Box 30052, Lansing, MI 48909, or [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When filing a comment, please refer to ADM File No. 2014-28. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 23, 2015

Clerk